IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24219 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMBARAM BHAVANBHAI PATEL - Petitioner(s)
Versus
ADDL. MAMLATDAR AND AGRICULU- RAL LANDS TRIBUNAL (GANOT) & 2 - Respondent(s)

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Appearance :
MR S.H. SANJANWALA WITH MR. AMIT V THAKKAR for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 3.
MR SATYAM CHAYYA, AGP for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 21/02/2007

ORAL JUDGMENT

1. When the matter is taken up for final hearing, the learned counsel for the petitioner Mr.

Sanjanwala with Mr. Thakkar as well as Mr. Chayya, learned AGP are in agreement on the point that the present petition is covered by the decision of this Court in Special Civil Application No. 9609 of 2006 & allied matters, decided on 17-18-23.01.2007.

2. The learned counsel for both the sides further declared that as such, the present petition was to be heard with the said group. However, somehow, it was not listed and therefore, it was left out.

3. In view of the aforesaid position, I find that no further discussion may be required except observing that in view of the reasons recorded by this Court in Special Civil Application No. 9609 of 2006 & allied matters, decided on 17-18-23.01.2007, the impugned order passed by the Mamlatdar deserves to be quashed and set aside with the direction to the Mamlatdar and ALT to decide the matter afresh, after giving opportunity of hearing to the affected parties.

4. Hence, the impugned order passed by the Mamlatdar is quashed and set aside with the direction to the Mamlatdar to decide the case afresh after giving opportunity of hearing to all affected parties in light of the observations made and conclusions recorded in above referred Judgment in Special Civil Application No. 9609 of 2006 & allied matters,

decided on 17-18-23.01.2007.

5. The other observations and directions given in the other group as per the above referred decision shall apply to the present case for the purpose of appropriate decision by the Mamlatdar in accordance with law.

6. Petition is partly allowed to the aforesaid extent. Rule made absolute accordingly. Considering the facts and circumstances, there shall be no order as to costs.

(JAYANT PATEL, J.)

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